

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

LISA L. CARROLL,

Defendant.

CASE NO. 8:08CR324

TENTATIVE FINDINGS

The Court has received the Revised Presentence Investigation Report (“PSR”) in this case. The parties have not objected to the PSR. See Order on Sentencing Schedule, ¶ 6. The Court advises the parties that these Tentative Findings are issued with the understanding that, pursuant to *United States v. Booker*, 2005 WL 50108 (U.S. Jan. 12, 2005), the sentencing guidelines are advisory.

The parties agreed in the plea agreement that the Defendant should be responsible beyond a reasonable doubt for at least 35 but less than 50 grams of cocaine base resulting in the application of base level 28. The PSR places the Defendant at base level 30 based on a higher drug quantity. Neither party has objected to the PSR. The discrepancy will be addressed at sentencing.

IT IS ORDERED:

1. The parties are notified that the discrepancy in drug quantity between the PSR and the plea agreement will be addressed at sentencing;
2. Otherwise, the Court advises the parties that the PSR is correct in all respects;
3. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion

challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;

4. Absent submission of the information required by paragraph 3 of this Order, my tentative findings may become final; and

5. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 21st day of January, 2009.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge